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VIA ECF AND ELECTRONIC MAIL

The Honorable William H. Pauley III
United States District Court, Southern District of New York
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Re: *Commerzbank AG v. U.S. Bank Nat'l Ass'n et al.*,
No. 16-cv-04569-WHP (S.D.N.Y.)
Request to File Redacted Documents and Documents Under Seal

Dear Judge Pauley:

We represent Defendant Bank of America, N.A. (“BANA”) in the above-referenced action. BANA is serving today its reply papers in support of its Motion for Summary Judgment (“Motion”). Pursuant to Rule V(A) of Your Honor’s Individual Rules & Practices in Civil Cases, the Joint Stipulation and Confidentiality and Protective Order entered by the Court in this case (ECF No. 109) (“Protective Order”), and the Court’s order dated July 29, 2019 (ECF No. 290), we write to request permission to file in partially redacted form BANA’s Reply, Responses, and Objections to Plaintiff’s Counter-Statement of Undisputed Facts (“Reply to Plaintiff’s Counter-Statement”). In accordance with Rule V(A), BANA is filing today a proposed redacted version of this document as an exhibit to this letter motion. BANA will attach an unredacted electronic copy of the Reply to Plaintiff’s Counter-Statement in highlighted form, where applicable, to the email sent to the Courtroom Deputy.

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MEMO ENDORSED

The Honorable William H. Pauley III
November 4, 2019
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The Reply to Plaintiff's Counter-Statement contains, reproduces, paraphrases, or discloses "Discovery Material" that has been designated as "Confidential Information," as that term is defined in paragraph 3(a) of the Protective Order. The Reply to Plaintiff's Counter-Statement further contains, reproduces, paraphrases, or discloses information relating to Plaintiff Commerzbank AG's confidential and commercially sensitive agreements, communications, and procedures, and BANA's confidential and commercially sensitive agreements, communications, and procedures.

The parties have previously conferred regarding the scope of the materials contained, reproduced, paraphrased, or disclosed in the Reply to Plaintiff's Counter-Statement, and have de-designated materials in order to narrow the amount of information subject to this request. Accordingly, BANA requests permission to file the Reply to Plaintiff's Counter-Statement under seal. BANA will serve today via e-mail an unredacted copy of its Reply to Plaintiff's Counter-Statement on Plaintiff and Defendant U.S. Bank.

Respectfully submitted,



Adam P. Barry

Enclosures (via ECF and electronic mail)

cc: All Counsel of Record (via ECF and electronic mail)

Application granted.

SO ORDERED:

Dated: November 19, 2019
New York, New York



WILLIAM H. PAULEY III
U.S.D.J.